

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,

Case No. 20-cr-0168 (WMW/ECW)

Plaintiff,

**ORDER**

v.

Montez Terriel Lee, Jr.,

Defendant.

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This matter is before the Court on Chief Judge John R. Tunheim's February 12, 2021 General Order No. 26.<sup>1</sup> Among other things, General Order No. 26 recognizes that the Court has developed a protocol for jury trials to ensure the health and safety of all participants, pursuant to which only a limited number of jury trials may take place at the same time. General Order No. 26 also provides that no criminal trials in this District may commence before May 3, 2021; that criminal jury trials may be continued until the date that the criminal jury trial commences; and that the presiding judge will enter orders in individual cases to extend deadlines and exclude time under the Speedy Trial Act to address delays attributable to COVID-19.

General Order No. 26, which is hereby incorporated by reference, was issued based on: (1) the President of the United States of America declaring a national state of emergency in response to COVID-19; (2) the Governor of the State of Minnesota declaring a peacetime emergency to coordinate strategy to protect Minnesotans from

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<sup>1</sup> All General Orders related to the COVID-19 pandemic can be found on the Court's website at [www.mnd.uscourts.gov](http://www.mnd.uscourts.gov).

COVID-19 and extending the COVID-19 peacetime emergency; (3) the Governor of the State of Minnesota issuing a series of emergency executive orders that impose restrictions on Minnesota residents; (4) the COVID-19 restrictions imposed by local detention facilities that impact the ability of pretrial detainees to consult with legal counsel and appear in person at a United States Courthouse; (5) the Bureau of Prisons' modified operations; and (6) the interests of the health of courtroom participants and court staff, the constitutional rights of criminal defendants, the ability to conduct certain criminal proceedings via videoconference or telephone conference under the CARES Act, and the public's interest in and the Court's duty to ensure the effective and expeditious administration of justice. Specifically, General Order No. 26 states the following concerning the Speedy Trial Act:

If the criminal jury trial must be continued, the Court finds that the time of the continuances implemented by this order will be excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice are served by ordering the continuances and outweigh the best interests of the public and of the criminal defendants under 18 U.S.C. § 3161(h)(7)(A). Absent further order of the Court or any individual judge, the period of exclusion shall be from March 17, 2020, or the date of the indictment, whichever is later, to the date that the criminal jury trial commences.

The Defendant in this case is awaiting a jury trial. Due to the challenges created by the COVID-19 pandemic, the Court is unable to safely commence the jury trial in this case on or before June 21, 2021.

For the reasons addressed in General Order No. 26, the well-documented concerns about COVID-19, and because the jury trial in this case cannot commence on or before

June 21, 2021, the Court specifically finds that the ends of justice served by ordering a continuance outweigh the best interests of the public and the Defendant's right to a speedy trial under 18 U.S.C. § 3161(h)(7)(A). In making this finding, the Court concludes that the failure to exclude time through June 21, 2021, would result in a miscarriage of justice under the unique circumstances the COVID-19 pandemic presents. 18 U.S.C. § 3161(h)(7)(B)(i).

Based on the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that the period of time between August 12, 2020, and June 21, 2021, is excluded from computation under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A).

Dated: March 12, 2021

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge